

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

EUNICE JOHNSON,

*Plaintiff,*

v.

ANDREW SAUL,  
COMMISSIONER OF  
SOCIAL SECURITY,

*Defendant.*

Civil No.: 17-10452

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Hon. Matthew F. Leitman  
United States District Judge

Hon. David R. Grand  
United States Magistrate Judge

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**ORDER ON MOTION FOR AWARD OF § 406(b) FEES**

Plaintiff's motion for an award of attorney fees under 42 U.S.C. § 406(b) in the amount of \$9,735.00 (Docket No. 27) is **GRANTED**. The Commissioner has no objection to this motion (Docket No. 27 at 6 n.2). That award amounts to 25% of the past due benefits of \$38,940.01 that the attorney's efforts obtained for Plaintiff in this case. I conclude under the circumstances that it is reasonable. *See Gisbrecht v. Barnhart*, 535 U.S. 789 (2002).<sup>1</sup> This order has been presented and approved by Attorney Ronald Makawa from the Office of General Counsel of the Social Security Administration.

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<sup>1</sup> Since this Court denied Plaintiff's attorney's motion for fees under the Equal Access to Justice Act ("EAJA") (Docket No. 25), there is no EAJA award to return to the claimant. *See Gisbrecht*, 535 U.S. at 796 ("Fee awards may be under both [the EAJA and § 406(b)], but the claimant's attorney must refund to the claimant the amount of the smaller fee.") (internal quotation and alteration omitted).

s/ Wesley J. Lamey  
Wesley J. Lamey  
Michigan Bar #73613  
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Attorney for Plaintiff

s/Ronald W. Makawa<sup>2</sup>  
Ronald W. Makawa  
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**IT IS SO ORDERED.**

/s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: October 24, 2019

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<sup>2</sup> Signed with consent obtained via email communication on October 24, 2019.